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IN THE UNITED STATES DISTRICT COURT  
FOR THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

JOHN BRADY BARRINEAU,  
Plaintiff,  
vs.  
PROMARINE TECHNOLOGY and  
CABRAS MARINE CORPORATION,  
Defendants.

CIVIL ACTION NO. CV05-0028

**SUPPLEMENTAL DECLARATION OF  
DAVID LEDGER IN SUPPORT OF  
MOTION TO STRIKE DR. PAMINA J.  
HOER AS AN EXPERT WITNESS;  
CERTIFICATE OF SERVICE**

I, DAVID LEDGER, declare under penalty of perjury that the following statements are true and correct:

1. I have personal knowledge of the facts stated in this declaration except as otherwise indicated.

2. I would testify competently as to these facts if called by the Court.

3. I am licensed to practice law before all courts in the Commonwealth of the Northern Mariana Islands and am admitted to this Court.

4. I am an attorney for Defendant Cabras Marine Corporation.

1           5.     This Declaration is filed in support of Defendant's Motion to Strike Expert  
2     Witness.

3           6.     On November 13, 2006 Cabras Marine filed its Motion To Strike Expert Witness  
4     and supporting papers, including a Declaration from David Ledger.

5           7.     This Supplemental Declaration concerns the documents which have not been  
6     provided by way of expert witness disclosures, which are the subject of the instant motion. In  
7     particular, the documents which should have been disclosed and which are subject of the motion  
8     are not limited to only the specific documents identified in the motion. Indeed, Cabras Marine is  
9     unaware of just what documents may be contained in Ms. Hofer's file.  
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11           8.     In particular, the focus of motion to strike is not intended to be limited to  
12     disclosure of the written reports of Ms. Hofer's examinations of Plaintiff Barrineau conducted in  
13     June and July 2005, and referred to in her April 2006 letter to Attorney William Fitzgerald (Exh.  
14     A to the motion). Rather, the motion is intended to address all as yet undisclosed documents  
15     which testifying experts are required to disclose under Rule 26.  
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17           9.     Defendant's expert witness Brian Goodyear, Ph.D, has provided some guidance as  
18     to what documents ought to be contained in Ms. Hofer's working file. Dr. Goodyear has  
19     requested, for review in conjunction with his IME work, what he refers to as very important "raw  
20     test data" which would have been gathered as a result of Ms. Hofer's neuropsychological  
21     examinations of Plaintiff Barrineau conducted in June and July 2005. Accordingly, Defendant  
22     Cabras Marine hereby supplements its motion to specifically address the apparent non-disclosure  
23     of "raw test data" pertaining to Ms. Hofer's neuropsychological examinations of Mr. Barrineau.  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 14th day of November 2006, I will cause to be served, via electronic filing/service, a true and correct copy of **SUPPLEMENTAL DECLARATION OF DAVID LEDGER IN SUPPORT OF MOTION TO STRIKE DR. Pamina J. Hofer AS AN EXPERT WITNESS; CERTIFICATE OF SERVICE** upon the following Counsels of record:

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DATED: November 14, 2006.

  
DAVID LEDGER